

# SENEGAL 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Senegal is a republic dominated by a strong executive branch. In 2019 voters re-elected Macky Sall as president for a second term of five years in elections local and international observers considered generally free and fair. Observers judged the 2017 legislative elections to be also generally free and fair.

Police and gendarmes are responsible for maintaining law and order. The army shares that responsibility in exceptional cases, such as during a state of emergency. The country was under a state of emergency from January 6 to March 19. The National Police are part of the Ministry of the Interior and operate in major cities. The Gendarmerie is part of the Ministry of Defense and primarily operates outside major cities. The army also reports to the Ministry of Defense. Civilian authorities generally maintained effective control over the security forces. There were credible reports members of security forces committed abuses.

The March arrest of opposition leader Ousmane Sonko triggered several days of intense political protests that spiraled into widespread riots and looting, causing 13 deaths, more than 600 injuries, and millions of dollars in property damage.

Significant human rights issues included credible reports of: unlawful or arbitrary killings including extrajudicial killings by or on behalf of the government; torture or cruel, inhuman, or degrading treatment or punishment by or on behalf of the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; serious restrictions on free expression and media, including violence or threats of violence against journalists, censorship, and criminal libel and slander laws; serious government corruption; lack of investigation of and accountability for gender-based violence including but not limited to domestic and intimate partner violence, child, early, and forced marriage, and female genital mutilation; trafficking in persons; crimes involving violence or threats of violence against lesbian, gay, bisexual, transgender, queer, or intersex persons; and existence or use of laws criminalizing consensual same-sex sexual conduct

between adults.

The government took steps to identify, investigate, prosecute, and punish officials who committed abuses or engaged in corruption, whether in the security forces or elsewhere in the government, but impunity for abuses and corruption existed.

In the southern Casamance region, situated between The Gambia and Guinea-Bissau, a low-level insurgency between security forces and armed separatists continued. Sporadic incidents of violence occurred in the Casamance involving individuals associated with various factions of the separatist Movement of Democratic Forces of the Casamance. Incidents related to illegal harvesting of timber by Movement of Democratic Forces of the Casamance separatists occurred as government security forces sought to end this illicit commerce. The government regularly investigated and prosecuted these incidents.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

Following widespread protests in March, several local and international media outlets reported human rights abuses committed by police and national gendarme responding to the nationwide protests. Amnesty International attributed 13 deaths to the protests, with 10 caused by security forces.

On March 6, security forces reportedly shot and killed an unarmed student protester and severely injured seven others during a violent confrontation outside a gendarmerie brigade post in Disobey. While the post was in the process of being evacuated, security forces reportedly opened fire on the demonstrators. The government expressed its condolences to the family of the victim and provided monetary restitution. In April the government announced an “independent and impartial” commission of inquiry to investigate the riots and provide accountability for the 13 deaths. As of September, the commission had not been established. A similar commission announced by human rights organizations also remained unestablished.

Prison staff or prisoners reportedly killed some inmates in prisons and detention

centers, but figures were unavailable (see section 1.c., Prison and Detention Center Conditions).

Government offices empowered to investigate misconduct and excessive use of force included the gendarmerie and police internal affairs units. If abuses bore further investigation, cases were referred to an investigative judge, who could request additional investigations by the Criminal Investigation Department (DIC) of the National Police or the Research Brigade of the Gendarmerie.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices. Human rights organizations noted examples of physical abuse committed by authorities, including excessive use of force as well as cruel and degrading treatment in prisons and detention facilities. They criticized strip search and interrogation methods. Police reportedly forced detainees to sleep on bare floors, directed bright lights at them, beat them with batons, and kept them in cells with minimal access to fresh air. Investigations often were unduly prolonged and rarely resulted in charges or indictments.

Impunity for such acts was a significant problem. Offices charged with investigating abuses included the Ministry of Justice and the National Observer of Places of Deprivation of Liberty. The DIC and police and gendarmerie internal affairs units are charged with investigating police abuses but were ineffective in addressing impunity or corruption.

On February 8, authorities arrested a protester and kept him for four days at the Dakar central police station. He alleged police beat him with motorcycle chains, kicked him in the groin during his interrogation, and handcuffed him so tightly his circulation was affected.

Several protesters accused security forces of serious physical abuse while in detention following March protests (see section 1.a., Arbitrary Deprivation of Life

and Other Unlawful or Politically Motivated Killings). Authorities continued to investigate these allegations.

According to the *Conduct in UN Field Missions* online portal, there were four allegations submitted in March of sexual exploitation and abuse by the country's peacekeepers deployed to the United Nations Stabilization Mission in the Central African Republic. The incidents allegedly involved exploitative relationships between Senegalese personnel and adults. As of September, the government and the United Nations were still investigating the allegations. Three investigations into allegations from 2020 – two related to exploitative relationships with adults and one related to rape of an adult – were also still pending.

### **Prison and Detention Center Conditions**

Some prison and detention center conditions were harsh and life threatening due to food shortages, overcrowding, poor sanitation, and inadequate medical care.

**Physical Conditions:** Overcrowding was endemic. For example, Dakar's main prison facility, Rebeuss, held more than twice the number of inmates for which it was designed. The nongovernmental organization (NGO) World Prison Brief, citing 2019 figures, reported that the country held 11,547 detainees in facilities with a capacity of 7,350 persons. Female detainees generally had better conditions than male detainees. Pretrial detainees were not always separated from convicted prisoners. Juvenile detainees were often held with adults or permitted to move freely with adults during the day. Infants and newborns were often kept in prison with their mothers until age one, with no special cells, additional medical provisions, or extra food rations.

According to the most recent available government statistics, 24 inmates died in prisons and detention centers in 2020, seven fewer than in 2019. Government statistics did not provide the causes of death. Some deaths reportedly were killings. Perpetrators, which included prison staff and other prisoners, may have been subject to internal disciplinary sanctions, but authorities undertook no prosecutions or other public actions against them.

In addition to overcrowding, the NGO National Organization for Human Rights identified lack of adequate sanitation as a major problem. Poor and insufficient

food, limited access to medical care, stifling heat, poor drainage, and insect infestations also were problems throughout the prison system.

**Administration:** Authorities did not always conduct credible investigations into allegations of mistreatment. Ombudsmen were available to respond to complaints, but prisoners did not know how to access them or file reports. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, but there was no evidence that officials conducted any follow-up investigations.

**Independent Monitoring:** The government permitted prison visits by local human rights groups, all of which operated independently, and by international observers. The National Observer of Places of Deprivation of Liberty had full and unfettered access to all civilian prison and detention facilities, but not to military and intelligence facilities. The national observer was unable to monitor prisons throughout the country.

Members of the International Committee of the Red Cross visited prisons in Dakar and the Casamance.

**Improvements:** In January President Sall pardoned 854 prisoners to decongest prisons and prevent the spread of COVID-19. In May he pardoned 557 inmates on the eve of the Eid al-Fitr Islamic holiday, and in July he pardoned 450 additional prisoners to mark the Eid al-Adha holiday.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always observe these prohibitions. Detainees are legally permitted to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained; however, this rarely occurred due to lack of adequate legal counsel.

#### **Arrest Procedures and Treatment of Detainees**

Unless a crime is “flagrant” (just committed or discovered shortly after being

committed), police must obtain a warrant from a court to arrest or detain a suspect. Police treat most cases as “flagrant” offenses and make arrests without warrants, invoking pretrial detention powers. The DIC may hold persons up to 24 hours before releasing or charging them. Authorities did not promptly inform many detainees of the charges against them. Police officers, including DIC officials, may double the detention period from 24 to 48 hours without charge if they demonstrate substantial grounds for a future indictment and if a prosecutor so authorizes. If such extended detention is authorized, the detainee must be brought in front of the prosecutor within 48 hours of detention. For particularly serious offenses, investigators may request a prosecutor double this period to 96 hours. Authorities have the power to detain terrorist suspects for an initial 96 hours, and with renewals for a maximum of 12 days. The detention period does not formally begin until authorities officially declare an individual is being detained, a practice Amnesty International noted results in lengthy detentions. Prosecutors visited detention facilities on a regular basis to identify detainees with pending criminal dossiers to minimize use of detention for unofficial, extrajudicial purposes.

Bail was rarely available, and officials generally did not allow family access. By law defense attorneys may have access to suspects from the moment of arrest and may be present during interrogation; this provision, however, was not regularly observed. The law provides for legal representation at public expense in felony cases to all criminal defendants who cannot afford one after the initial period of detention. Appointed counsel, however, rarely showed up, especially outside of Dakar. Indigent defendants did not always have attorneys in misdemeanor cases. Several NGOs provided legal assistance or counseling to those charged with crimes.

**Arbitrary Arrest:** On March 3, Ousmane Sonko, president of opposition party PASTEF-Les Patriotes and member of the National Assembly, appeared before a court on sexual assault charges, offenses he denied. Sonko mobilized his supporters for a march to the court and refused to follow the route designated by authorities, leading to his arrest for public disorder. In the court proceedings, Sonko alleged several irregularities concerning his arrest and detention. On March 8, the court released him under judicial supervision, and the public prosecutor later dropped the public disorder charge. The investigation into the allegations of sexual

assault continued as of year's end.

**Pretrial Detention:** As of 2020, authorities reported 47 percent of the prison population consisted of pretrial detainees. Most defendants awaiting trial were held in detention. The law states an accused person may not be held in pretrial detention for more than six months for minor crimes; however, authorities routinely held persons in custody until a court ordered their release. Judicial backlogs and absenteeism of judges resulted in an average delay of two years between the filing of charges and the beginning of a trial. In cases involving murder charges, threats to state security, and embezzlement of public funds, there were no limits on the length of pretrial detention. In many cases pretrial detainees were held longer than the length of sentence later imposed.

### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, the judiciary was subject to corruption and government influence. Magistrates noted overwhelming caseloads, lack of adequate space and office equipment, and inadequate transportation, and they openly questioned the government's commitment to judicial independence. The judiciary is formally independent, but the president controls appointments to the Constitutional Council, the Court of Appeal, and the Council of State, and he and the minister of justice cochair the High Council of the Judiciary, the body responsible for managing magistrates' careers. Judges are prone to pressure from the government on corruption cases and other matters involving high-level officials or supporters of the government.

The Regional Court of Dakar includes a military tribunal that has jurisdiction over crimes committed by military personnel. A tribunal is composed of a civilian judge, a civilian prosecutor, and two military assistants to advise the judge, one of whom must be of equal rank to the defendant. A tribunal may try civilians only if they were involved with military personnel who violated military law. A military tribunal provides the same rights as a civilian criminal court.

In some cases political opponents faced prompt prosecution for alleged crimes, while prosecution of prominent government supporters encountered unexplained delays. In one case authorities charged a member of the National Assembly and

close ally of the president, Seydina Fall, with trafficking in counterfeit currency, but he was granted provisional release in June 2020 while some of his alleged accomplices remained in prison.

### **Trial Procedures**

The constitution provides for all defendants to have the right to a fair and public trial, and for an independent judiciary to enforce this right. Defendants enjoy a presumption of innocence and have the right to be informed promptly and in detail of the charges against them. They have the right to a timely trial, to be present in court during their trial and to have an attorney at public expense if needed in felony cases (although legal commentators noted provision of attorneys was rare), and they have the right to appeal. Defendants also have the right to sufficient time and facilities to prepare their defense and to receive free interpretation as necessary from the moment they are charged through all appeals. Defendants enjoy the right to confront and present witnesses and to present their own witnesses and evidence.

While defendants may not be compelled to testify against themselves or confess guilt, the country's long-standing practice is for defendants to provide information to investigators and testify during trials. Case backlogs, lack of legal counsel (especially outside of Dakar), judicial inefficiency and corruption, and lengthy pretrial detention undermined many of the rights of defendants.

Evidentiary hearings may be closed to the public and press. Although a defendant and counsel may introduce evidence before an investigating judge who decides whether to refer a case for trial, police or prosecutors may limit their access to evidence against the defendant prior to trial. A panel of judges presides over ordinary courts in civil and criminal cases.

The right of appeal exists in all courts, except for the High Court of Justice, the final court of appeal.

### **Political Prisoners and Detainees**

From February 17 to 23, police arrested 24 opposition members and activists for participation in an "insurrectional movement against public order" in support of opposition leader Ousmane Sonko. Authorities released eight of the activists on

March 24 after The Movement for the Defense of Democracy organized marches in Dakar, Diourbel, and Ziguinchor, demanding their release from pretrial custody. By June authorities released the remaining persons.

### **Civil Judicial Procedures and Remedies**

Citizens may seek cessation of and reparation for human rights abuses in regular administrative or judicial courts. Citizens may also seek administrative remedies by filing a complaint with the ombudsman, an independent authority. Corruption and lack of independence hampered judicial and administrative handling of these cases. In matters related to human rights, individuals and organizations may appeal adverse decisions to the Economic Community of West African States Court of Justice.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, but there were several reports the government failed to respect these prohibitions.

### **g. Conflict-related Abuses**

President Sall continued efforts to resolve the 39-year conflict in the Casamance region between separatists and government security forces. Both the government and various factions of the Movement of Democratic Forces of the Casamance (MFDC) separatist movement accepted mediation efforts led by neutral parties. Progress toward a political resolution of the conflict remained incremental. The army conducted several air and ground operations to facilitate the return of local displaced populations affected by the conflict. From January through July, the army carried out several military campaigns along the southwestern border with Guinea-Bissau, seizing eight MFDC rebel bases.

**Abductions:** There were several acts of banditry attributed to MFDC rebels in which they detained civilians.

**Physical Abuse, Punishment, and Torture:** MFDC rebels on occasion harmed civilians while committing criminal acts unconnected to military operations.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media, but the government occasionally limited these freedoms.

**Freedom of Expression:** On January 15, authorities arrested Boubacar Seye, president of the NGO Horizon Without Borders, for “spreading false news.” Seye alleged the government had misused \$215 million in European Union funds earmarked for stopping illegal immigration to the Canary Islands. Authorities released him on February 7.

On January 20, authorities arrested activist Samba Tall after he denounced the corruption and ineptitude of local municipal authorities on Facebook. A court released him without charges after several days in custody.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Independent journalists regularly criticized the government without reprisal. Private independent publications and government-affiliated media were available in Dakar, although their distribution in rural areas was irregular.

Radio was the most important medium of mass information and source of news. Although an administrative law regulates radio frequency assignments, community radio operators claimed a lack of transparency in the process.

Although the government continued to influence locally televised information and opinion through Radio Television Senegal (RTS), privately owned television channels broadcast independently. By law the government holds a majority interest in RTS, and the president directly or indirectly controlled selection of all members of the RTS executive staff. Beyond RTS, members of President Sall’s ruling party, appointed by the president, controlled all other public media outlets; reporting by these outlets often carried a progovernment bias.

A new press law that entered into force in January mandates news editors have a minimum of seven years' experience and publishers 10 years' experience, with possible prison terms for infractions. The NGO Reporters Without Borders criticized the law as potentially having a chilling effect on online media, since few online sites could meet these requirements.

**Violence and Harassment:** International and local human rights organizations noted an increase in press freedom abuses during the March riots and reported targeted attacks on journalists and media outlets by protesters. On March 4, protesters partially destroyed the offices of a radio station and daily newspaper and attacked and set on fire another newspaper office. The government pledged to set up an "independent and impartial" commission of inquiry to investigate the attacks. As of September, this commission had not been established. On July 1, police assaulted journalist Alassane Balde as he was covering the adoption of highly contested legislation amending penal code provisions on terrorism.

**Censorship or Content Restrictions:** Journalists occasionally practiced self-censorship, particularly in government-controlled media. On March 3, authorities suspended two private television channels, WALF TV and SEN TV, for three days for broadcasting images of social unrest.

**Libel/Slander Laws:** Blasphemy and criminal defamation laws are in place and were occasionally enforced. The new press law punishes "fake news," particularly news articles that "discredit public institutions."

## **Internet Freedom**

The law grants the Senegalese Regulatory Authority for Telecommunications and Post and existing internet service providers the ability to limit or block access to certain online sites and social networks.

During the evening of March 4, NetBlocks, a watchdog organization that monitors cybersecurity and the governance of the internet, detected a nationwide network disruption targeting social media platforms. Private company Orange restored service the following morning. Local media observers believed the government orchestrated the disruption.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The government sometimes restricted freedom of peaceful assembly, but generally respected freedom of association, except for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) organizations.

#### **Freedom of Peaceful Assembly**

The law provides for this right, but authorities refused to authorize demonstrations, primarily due to COVID-19 restrictions. The Ministry of Interior must approve protests in advance. Some groups complained of undue delays in response to authorization requests for public demonstrations. Authorities systematically invoked the law that prohibits demonstrations in certain parts of downtown Dakar to ban demonstrations.

On September 12, in the Dakar suburb of Guediawaye police arrested four members of opposition organizations, Guy Marius Sagna, Papis Djim, Fallou Diagne, and Sylvestine Mendy, following their participation in an unauthorized march against the increasing cost of living. Authorities released them later that evening.

#### **Freedom of Association**

The law provides for this right, and authorities generally respected it, although the government did not allow LGBTQI+ organizations to meet or organize under the theory that their activities were against “public order.”

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government continued to permit generally unsupervised and largely informal repatriation of Casamance refugees returning from The Gambia and Guinea-Bissau.

**Foreign Travel:** The law requires some public employees to obtain government approval before departing the country. Only the military and judiciary enforced this law for their employees, however.

### **e. Status and Treatment of Internally Displaced Persons**

During the 39-year Casamance conflict, more than 20,000 persons left villages in the region due to fighting, forced removal, and land mines, according to estimates by international humanitarian assistance agencies. Refugees and internally displaced persons continued to return to their villages (see section 6, Displaced Children). The government generally respected rights related to movement and promoted the safe, voluntary, and dignified return, resettlement or local integration of these internally displaced persons, and had policies and protections in line with United Nations principles on displacement. Some returnees lacked civil documentation proving nationality, which could affect their access to state services.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Since the president must approve each case, delays of many years in granting refugee status remained a problem. Refugee advocates reported the government rarely granted refugee status or asylum. The government, however, generally allowed those with pending and some with rejected asylum claims to remain in the

country.

The government did not offer all asylum seekers due process or security, since the same committee that examined appeals filed by denied asylum seekers had examined their original cases. Police did not arrest denied asylum seekers for staying illegally in the country but did arrest them if they committed crimes. Authorities generally contacted UNHCR in such cases to verify their asylum status and avoid deporting someone with a pending claim.

**Durable Solutions:** The country continued to offer protection to Mauritanian refugees dispersed over a large area in the Senegal River valley along the border with Mauritania. According to UNHCR, most of the Mauritanian refugees indicated a desire to remain in the country permanently, and the government and UNHCR continued to coordinate a naturalization campaign.

**Temporary Protection:** The government did not formally grant temporary protection, although the government generally allowed those with pending and sometimes denied asylum claims to remain in the country.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

**Recent Elections:** In 2019 President Macky Sall secured reelection, winning 58 percent of the votes. Election observers agreed the election was generally free and fair, despite isolated cases of voters being unable to vote. In 2017 legislative elections President Sall's ruling Benno Bokk Yaakar coalition won most National Assembly seats. Observers judged these elections to be generally free and fair.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process, and they did participate. The law requires candidate lists of political parties contain equal numbers of men and women for elected positions at all levels, from city

councils to the National Assembly. While the number of women in elected positions increased, the law has not significantly expanded their role in exercising political authority since it does not apply to party leadership positions or to other important decision-making bodies, such as the cabinet and the judiciary. Some observers believed traditional and cultural factors prevented women from participating in the political process to the same extent as men. Women elected to office often faced additional pressure to maintain traditional subservient gender roles, making it difficult to confront male leadership and domination within the political sphere.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government often did not enforce the law effectively. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption.

**Corruption:** The National Anticorruption Commission in 2016 concluded that bribery, misappropriation, abuse of authority, and fraud remained widespread within government institutions, particularly in the health and education ministries, postal services, and the Transport Ministry. Reports of corruption ranged from rent seeking by bureaucrats involved in public approvals, to opaque public procurement, to corruption in the judiciary and police. Two members of the National Assembly allegedly facilitated fictitious marriages in order to issue diplomatic passports for paying clients: Authorities lifted immunity for the two elected officials, and as of December they awaited trial as the investigation continued.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative

but rarely took action to address their concerns.

**Government Human Rights Bodies:** The government's National Committee on Human Rights included government representatives, civil society groups, and independent human rights organizations. The committee had authority to investigate abuses but lacked credibility, did not conduct investigations, and last released an annual report in 2001.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law prohibits rape but does not address the gender of survivors. The law also does not address spousal rape. Offenders faced 10 to 20 years in prison, with possible life sentences in aggravated situations. Experts noted the need for the government to train more gynecologists and psychologists to assist survivors and raise awareness of the law among key actors in society, including police, judges, religious leaders, and media.

The government did not fully enforce existing laws, particularly when violence occurred within families. Although domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years, and life imprisonment for murder, police usually did not intervene in domestic disputes. Several women's groups and the Committee to Combat Violence against Women and Children (CLVF) continued to report a rise in violence against women.

NGOs, including the CLVF, noted the failure of some judges to apply domestic violence laws, citing cases in which judges claimed lack of adequate evidence as a reason to issue lenient sentences. NGOs also noted the government's failure to permit them to bring suits on behalf of survivors of domestic violence and the lack of shield laws for rape survivors.

The number of incidents of domestic violence, which many citizens considered a normal part of life, were much higher than the number of cases reported. The Ministry of Justice is responsible for combating domestic violence, but it did not undertake any programs to address rape and domestic violence. The government-run Ginddi Center in Dakar provided shelter to women and girls who were

survivors of rape or child, early, and forced marriage as well as to street children.

On July 3, the activist group Feminists of Senegal held a protest march in Dakar regarding perceived laxness in the judicial system's handling of sexual assault cases. Fifty female members staged a sit-in following the alleged rape of an adolescent, age 15, by the son of a famous journalist. The alleged perpetrator, age 19, denied the charges, claiming the encounter, videotaped and released on social media, was consensual. At year's end the court case continued.

**Female Genital Mutilation/Cutting (FGM/C):** The law provides criminal penalties for the perpetration of FGM/C on women and girls, but authorities prosecuted no cases. The rate of FGM/C among girls and women was 25 percent in 2019, with dramatic variation across regions and ethnic groups, including rates as high as 80 percent in some regions, according to UNICEF and local surveys.

**Sexual Harassment:** The law mandates prison terms of five months to three years and modest to substantial fines for sexual harassment, but the problem was widespread. The government did not effectively enforce the law.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

FGM/C exposed women to increased obstetrical complications during labor and childbirth (see the Female Genital Mutilation/Cutting (FGM/C) subsection for additional information). The government provided access to sexual and reproductive health services for survivors of sexual violence. This did not include emergency contraception as part of the clinical management of rape cases.

According to 2017 data from the Ministry of Health and Social Action, the maternal mortality ratio was 236 deaths per 100,000 live births. The ministry estimated most maternal deaths in childbirth were preventable, caused by the lack of medical equipment and qualified providers, particularly in rural areas.

**Discrimination:** The law provides for the same legal status and rights for women as for men in many areas, although there are legal restrictions on women in employment, including limitations on occupations and tasks but not on working hours. Nevertheless, women faced pervasive discrimination, especially in rural

areas where traditional customs and discriminatory rules of inheritance were strongest.

The law's definition of paternal rights also remained an obstacle to equality between men and women. The law considers men to be heads of household, preventing women from taking legal responsibility for their children. Additionally, any benefits for having children are paid to the father. Women may become the legal head of household only if the husband formally renounces his authority or if he is unable to act as head of household.

While women legally have equal access to land, traditional practices made it difficult for women to purchase property in rural areas. Many women had access to land only through their husbands, and the security of their rights depended on maintaining their relationships with their husbands. Discriminatory laws and policies also limited women's access to and control over capital.

The Ministry for Women's Affairs, Family Affairs, and Gender has a directorate for gender equality that implemented programs to combat discrimination.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law forbids acts of racial, ethnic, or religious discrimination. Authorities enforced the law effectively. Ethnic groups generally coexisted peacefully, but discrimination occurred among many ethnic groups, particularly against individuals of lower castes, and intellectuals or businesspersons from lower castes often tried to conceal their caste identity. Such discrimination was rarely discussed openly.

Government programs to mitigate societal, racial, or ethnic biases included policies favoring the hiring of women, persons with disabilities, and youth.

## **Children**

**Birth Registration:** Citizenship is acquired by birth on national territory or naturalization. The law provides for equal rights for mothers and fathers to transmit citizenship to their children. The law does not make birth declaration mandatory. Registering births required payment of a small fee and travel to a

registration center, which was difficult for many residents of rural areas.

**Education:** The law provides for tuition-free and compulsory education for children between ages six and 16, although approximately one-third of these children did not attend school. Some did not attend for religious reasons. While children generally could attend primary school without a birth certificate, they needed one to take national exams. Students often had to pay for their own books, uniforms, and other school supplies.

Girls encountered greater difficulties in continuing in school beyond the elementary level. A lack of running water, poor sanitation, early pregnancy, long travel distances, and sexual harassment by school staff contributed to girls leaving school. Where school directors were aware of sexual harassment or exploitation, they generally tried to resolve the situation on their own without reporting it to higher authorities or police and often stigmatized and faulted the behavior of the girls rather than the teacher. Girls were generally unsure of what constituted consent and harassment and did not know where to report exploitation. If girls became pregnant, they dropped out of school and were often shunned by their families.

Many parents opted to keep their middle- and high-school-aged daughters home to work or to marry rather than sending them to school. In recent years, however, gender disparity at the middle- and high-school level significantly lessened.

**Child Abuse:** Child abuse remained common, particularly of boys sent to Dakar and other cities to beg under threat of punishment. Parents sent many of these boys to study in *daaras* (Quranic religious schools). At some *daaras*, Quranic instructors exploited, physically abused, and forced children to beg on the street. According to Human Rights Watch in 2019, more than 100,000 students lived in *daaras* across the country.

On July 26, a Quranic school student in Touba died from injuries sustained while trying to escape his school. The victim had alleged abuse by his teachers and difficult conditions at the school. The case remained under investigation, and authorities did not charge his teachers with any offenses.

**Child, Early, and Forced Marriage:** By law women have the right to choose

when and whom they marry, but traditional practices often restricted a woman's choice. The law prohibits the marriage of girls younger than 16, but this law generally was not enforced in most communities where marriages were arranged. Under certain conditions a judge may grant a special dispensation to a man to marry a girl below the age of consent.

According to women's rights groups and officials from the Ministry of Women, Family, and Gender, child, early, and forced marriage was a significant problem, particularly in the more rural areas in the south, east, and northeast. The ministry conducted educational campaigns to address the problem. According to 2019 UNICEF statistics, 31 percent of women were married before age 18, and 9 percent before age 15.

**Sexual Exploitation of Children:** The law prohibits the commercial sexual exploitation, sale, and offering or using of children for commercial sex and practices related to pornography. The law was not effectively enforced, but when cases were referred to authorities, they conducted follow-up investigations. The minimum age of consensual sex is 18.

Exploitation of women and girls in sex trafficking was a problem, particularly in the southeast gold-mining region of Kedougou. Although there were no reports of child sex tourism, the country was considered a destination for child sex tourism for tourists from France, Belgium, and Germany, among other countries.

**Infanticide or Infanticide of Children with Disabilities:** Infanticide continued to be a problem, usually due to poverty or embarrassment. In some cases, women's families shamed them into killing their babies. Domestic workers and rural women working in cities sometimes killed their newborns if they could not care for them. According to the African Assembly for the Defense of Human Rights, infanticide also occurred when a woman became pregnant with the child of a man from a prohibited occupational caste. If police discovered the identity of the mother, she faced arrest and prosecution for infanticide.

**Displaced Children:** Many children displaced by the Casamance conflict lived with extended family members, neighbors, in children's homes, or on the streets. According to NGOs in the Casamance, displaced children suffered from the

psychological effects of conflict, malnutrition, and poor health.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

## **Anti-Semitism**

There were approximately 100 Jewish residents in the country; there were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Persons with disabilities could access education, health services, and transportation on an equal basis with others. Some older public buildings lacked accessible facilities.

The law prohibits discrimination against persons with disabilities, but the government did not enforce these provisions adequately. The law also mandates accessibility for persons with disabilities, but the government did not effectively enforce the law.

Due to a lack of special education training for teachers and facilities accessible to children with disabilities, authorities enrolled only 40 percent of such children in primary school. Support for persons with mental disabilities was not generally available, and incidents of physical abuse of persons with mental disabilities occurred. Authorities did not investigate these abuses.

Persons with disabilities experienced difficulty registering to vote as well as accessing voting sites, due to physical barriers such as stairs as well as the lack of provisions such as Braille ballots or sign language interpreters for persons with

vision and hearing disabilities, or persons who are nonverbal. The law reserves 15 percent of new civil service positions for persons with disabilities, but this quota has never been enforced. In regions outside Dakar persons with disabilities were effectively excluded from access to these positions.

## **HIV and AIDS Social Stigma**

The law prohibits all forms of discrimination against persons with HIV and AIDS, and the government and NGOs conducted HIV and AIDS awareness campaigns to increase social acceptance of persons with HIV or AIDS and increase HIV testing and counseling nationwide. Nevertheless, human rights activists reported HIV-positive individuals and those with AIDS-related illnesses suffered from social stigma due to the widespread belief that such status indicated homosexuality. HIV-positive men sometimes refrained from taking antiretroviral drugs due to fear their families would discover their sexual orientation.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

LGBTQI+ persons faced widespread social intolerance and acts of violence. LGBTQI+ individuals were subject to frequent threats, mob attacks, robberies, expulsions, blackmail, and rape. Authorities sometimes condoned or tolerated these abuses.

Consensual same-sex sexual activity between adults, referred to in law as an “unnatural act,” is a criminal offense punishable by up to 5 years in prison; however, the law was rarely enforced.

No laws prevent discrimination based on sexual orientation or gender identity, nor are there hate crime laws that could be used to prosecute crimes motivated by bias against LGBTQI+ persons. LGBTQI+ persons faced widespread discrimination, and LGBTQI+ activists complained of discrimination in access to social services. The government and cultural attitudes remained heavily biased against LGBTQI+ individuals.

In February anti-LGBTQI+ activists, seeking to further stigmatize LGBTQI+ persons, circulated a petition calling on the National Assembly to increase the

penalties for “unnatural acts.”

On May 23, a large anti-LGBTQI+ rally in Dakar drew thousands of participants. The march included several prominent politicians and civil society leaders who openly expressed anti-LGBTQI+ sentiments.

According to media accounts, at least 150 gay men received threats in May and June, causing some to flee their homes. Between June 6 and 9, unknown individuals assaulted at least four persons perceived to be gay men or gender non-conforming. Each attack was captured on a video that was released publicly, potentially revealing the person’s identity. In each incident police arrested the victim and held them in detention until June 11 or shortly thereafter and then released them.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the rights of workers to form and join independent unions, except for security force members, including police and gendarmes, customs officers, and judges. Unions have the right to bargain collectively and strike, with some restrictions. The law allows civil servants to form and join unions. Before a trade union may exist legally, the labor code requires authorization from the Ministry of Interior. Unions have no legal recourse if the minister refuses registration, although authorization is rarely withheld. Under the law, as part of the trade union recognition process, the ministry has the authority to check the morality and aptitude of candidates for positions of trade union officials. Any change to the bylaws of a trade union must be reported to and investigated by the inspector of labor and the public attorney. Additionally, the law provides that minors (both as workers and as apprentices) may not join a union without parental authorization. The state prosecutor may dissolve and disband trade unions by administrative order if union administrators are not following government regulations on the duties of a union to its members.

The law prohibits antiunion discrimination and allows unions to conduct their activities without interference. Foreigners may hold union office only if they have

lived in the country for five years and only if his or her country provides the same right to Senegalese citizens. Collective bargaining agreements covered an estimated 44 percent of workers in the formal economy. Unions can engage in legal proceedings against any individual or entity that infringes the collective bargaining rights of union members, including termination of employment.

The law provides for the right to strike; however, certain regulations restrict this right. According to labor activists, the constitution undermines the right to strike by stipulating that a strike must not infringe on the freedom to work or jeopardize an enterprise. The law states workplaces may not be occupied during a strike and may not violate nonstrikers' freedom to work or hinder the right of management to enter the premises of the enterprise. This means pickets, go-slows, working to rule, and sit-down strikes are prohibited. Unions representing members of the civil service must notify the government of their intent to strike at least one month in advance; private sector unions must notify the government three days in advance. The government does not have any legal obligation to engage with groups who are planning to strike, but the government sometimes engaged in dialogue with these groups. The government may also requisition workers to replace those on strike in all sectors, including "essential services" sectors. A worker who takes part in an illegal strike may be summarily dismissed. The government effectively enforced applicable laws on the right to strike. Penalties for noncompliance include a fine, imprisonment, or both. Penalties were sufficient to deter violations. The law does not apply to the informal sector and thus excludes most of the workforce, including subsistence farmers, domestic workers, and those employed in many family businesses. The government did enforce applicable laws. Penalties were commensurate with those for similar offenses.

The government and employers generally respected freedom of association and the right to collective bargaining with restrictions. Workers exercised the right to form or join unions, but antiunion sentiment within the government was strong. The law has no legal mechanism to require employers to enter collective bargaining negotiations. Trade unions organized on an industry-wide basis, very similar to the French system of union organization. There were no confirmed reports of antiunion discrimination.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Many provisions of the law impose imprisonment with compulsory prison labor as a penalty for noncompliance with certain practices, however, such as for participation in strikes in “essential services,” for occupying the workplace or its immediate surroundings during strike actions, or for breaching labor discipline deemed to endanger ships or the life or health of persons on board. Penalties for forced labor were commensurate with penalties for other serious crimes.

The government did not effectively enforce applicable laws against forced labor, and such practices continued to occur in the areas of domestic servitude, sex trafficking, farm labor, and artisanal mining. Forced child labor occurred, including forced begging by children in some Quranic schools (see section 6, Child Abuse). Some children in these schools were kept in conditions of servitude; were forced to work daily, generally in the street begging; and had to meet a daily quota for money (or sometimes sugar or rice) set by their teachers. The National Anti-Trafficking Task Force and the Child Protection Special Unit continued to address these matters. When officials identified a potential forced begging case, however, they often did not prosecute according to previously mandated minimum sentencing guidelines.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

Regulations on child labor set the minimum working age at 15, with work considered “hazardous” prohibited until age 18. The law prohibits many forms of hazardous child labor but includes exceptions. In the agricultural sector, for example, children as young as age 12 are permitted to work in a family environment. The law also allows boys younger than age 16 to work in underground mines and quarries doing “light work.” Due to the nature of the dangers associated with mining, “light work” activities do not prevent exposure to hazards.

Inspectors from the Ministry of Labor are responsible for investigating and initiating lawsuits in child labor cases. The ministry’s investigators may visit any

institution during work hours to verify and investigate compliance with labor laws and may act on tips from trade unions or ordinary citizens. Penalties for child labor were often unenforced and were not commensurate with penalties for other serious crimes.

The Ministry of Labor sent investigators to investigate formal workplaces, but they were not adequately trained to deal with child labor problems. The Child Labor Division in the Ministry of Labor was understaffed. Inspectors did not adequately monitor the informal sector, and no cases of child labor were identified in the formal sector. In addition, many areas with prevalent abuses were remote, and inspectors were only located in larger cities. There was no specific system to report child labor violations, largely due to inadequate efforts of the Child Labor Division and the Ministry of Labor. The ministry instead relied on unions to report violators. The government conducted seminars with local officials, NGOs, and civil society to raise awareness of the dangers of child labor, exploitative begging, and online exploitation of children.

Most instances of child labor occurred in the informal economy where labor regulations were not enforced. Economic pressures and inadequate educational opportunities often pushed rural families to emphasize work over education for their children. Child labor was especially common in the regions of Tambacounda, Louga, and Fatick, where up to 90 percent of children worked. Child labor was prevalent in many informal and family-based sectors, such as agriculture (millet, corn, and peanuts), fishing, artisanal gold mining, garages, dumpsites, slaughterhouses, salt production, rock quarrying, and metal and woodworking shops. In the large, informal, unregulated artisanal mining sector, entire families, including children, were engaged in artisanal mining work. Child gold washers, most ages 10 to 14, worked approximately eight hours a day using toxic agents such as mercury without training or protective equipment. There were also reports of children working on family farms or herding cattle. Children also worked as domestics, in tailoring shops, at fruit and vegetable stands, and in other areas of the informal economy.

According to the International Labor Organization, 28 percent of children participated in the labor force. A predominant type of forced child labor was the forced begging by children sent to live and study under the supervision of Quranic

teachers (see sections 6 and 7.b.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment and occupation based on national origin, race, gender, disability, and religion; violators are subject to fines and imprisonment, but these laws were not regularly enforced, and the penalties were not sufficient to deter violations. Penalties were commensurate with penalties for comparable violations. The law does not explicitly prohibit discrimination based on sexual orientation or gender identity.

The law provides for protection from dismissal or discrimination against pregnant workers and gives workers the right to return to the same or equivalent position after taking maternity leave. After childbirth and rejoining work, a worker must be allowed paid breaks for breastfeeding. The law establishes the type of work prohibited for women and pregnant women workers. The law provides for maternity benefits during maternity leave; benefits are paid by the government. The government did not effectively enforce the antidiscrimination provisions of the law. Gender-based discrimination in employment and occupation occurred and was the most prevalent form of discrimination. Men and women have equal rights to apply for a job, although women faced some restrictions on occupations and tasks. Women experienced discrimination in employment and operating businesses (see section 6, Women, Discrimination).

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provides for a minimum wage for agricultural and nonagricultural workers. The national minimum hourly wage was higher than the estimated poverty income rate. The Ministry of Labor is responsible for enforcing the minimum wage, but surveys of workers indicated that enforcement was inadequate. Labor unions acted as watchdogs and contributed to implementation of the minimum wage in the formal sector. The minimum wage provisions apply to foreign and migrant workers as well.

For most occupations in the formal sector, the law mandates a standard workweek of 40 hours with at least one 24-hour rest period per week, 21 consecutive days per year of paid annual leave, enrollment in government social security and retirement plans, safety standards, and other measures. Night work is defined as activity between 10 p.m. and 5 a.m.; night workers should receive a supplementary rate of 60 percent for any night hours worked and 100 percent for any night hours worked on holidays. The law does not prohibit excessive or compulsory overtime in the formal sector.

Premium pay for overtime is required only in the formal sector. The Ministry of Labor, through the Labor Inspection Office, is responsible for enforcing labor standards in the formal sector; those who violate standards are subject to fines and imprisonment, but labor standards were not regularly enforced and were insufficient to deter violations. Penalties were commensurate with penalties for comparable violations. Enforcement of the workweek standard was irregular. Labor inspectors had poor working conditions and lacked transportation to conduct their mission effectively. The number of labor inspectors was insufficient to enforce compliance. Labor inspectors had the authority to hold unannounced inspections and impose penalties. Violations of wage, overtime, and occupational safety and health standards were common.

**Occupational Safety and Health:** The law provides for appropriate occupational safety and health (OSH) standards for the main industries. Responsibility for identifying unsafe conditions is up to employers and workers, not OSH experts. Employers are required to set up an occupational safety service and a committee on occupational health and safety; the employer must provide training and free protective equipment including clothing to workers exposed to wet or hazardous substances. Employees or their representatives have the right to propose whatever they assume would provide for their protection and safety and refer proposals to the competent administrative authority in case the employer refuses. Due to high unemployment and a slow legal system, workers seldom exercised their nominal right to remove themselves from situations that endangered health or safety. Labor activists claimed that workplace accidents were underreported, since the official statistic did not consider the large number of workplace accidents in the informal sector.

**Informal Sector:** Up to 96 percent of all workers in the country were in the informal sector, according to the Brookings Institution’s Africa Growth Initiative. With increasing urbanization, the country’s economy was shifting from agriculture to informal commerce, per World Bank data. The informal sector included work in agriculture, self-employment, construction, services, restaurants, home-based producers, laborers, domestic workers, hotels and hospitality, tourism, fishmongers, street vendors, market vendors, laundry, waste picking, beauty salons, tailoring, transport, and private education.

Approximately 42 percent of informal workers lost their job and struggled to meet basic needs during the COVID-19 pandemic according to a 2020 UN survey. Shutdowns of local markets and restrictions on the movement of persons and cars between regions and cities caused shortages of supplies and goods to traders. Informal workers did not have access to the rights and protections of the country’s labor code, because most were self-employed and had no employment contract. Laws regulating informal workers’ activities were not effectively enforced; legislation prohibiting street vending in public spaces contributed to discrimination against informal workers. Domestic workers are protected by some labor laws, but the law provides them fewer benefits and protections than other workers, and penalties were seldom enforced. Worker rights groups criticized the government’s “*Senegal emergent*” (Senegal Rising) plan to regularize informal sector tradespersons, because it covered small businesses but not the self-employed, who represented more than 90 percent of informal workers.

Informal workers have no social protection or access to public health care. Although the government set up Universal Health Coverage granting free health care to young children and basic healthcare coverage for adults through mutual insurance programs, most informal workers remain uninsured.